



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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WILLIAM S. WANAGO, M.D.,

Plaintiff,

v.

CVS CAREMARK CORPORATION,

Defendant.
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07 Civ. 9829 (LAK) (MHD)

STIPULATION AND REVISED
SCHEDULING ORDER

WHEREAS, after the commencement of this action, an initial scheduling order was signed on January 18, 2008, prior to the completion of the pleadings; and

WHEREAS the defendant's answer to the amended complaint was filed January 27, 2008, the defendant's amended answer and counterclaims was filed April 30, 2008, and the plaintiff's reply to defendant's counterclaims was filed May 30, 2008; and

WHEREAS the parties have both propounded various discovery requests, including document requests, interrogatories and subpoenas duces tecum and, to date, the parties and certain non-parties have made significant document productions and all interrogatories have been responded to; and

WHEREAS the parties have agreed to participate, before continuing with discovery, including depositions, in mediation in an attempt to settle this matter, and believe a 60 day period should be sufficient for conducting such mediation; and

WHEREAS, in the event that mediation is unsuccessful, the parties expect to be able to complete depositions and any other remaining discovery within 90 days;

IT IS STIPULATED AND AGREED that, during the period July 1 to August 31, 2008, the parties will arrange for and participate in mediation in a good faith effort to resolve this matter; and

IT IS FURTHER STIPULATED AND AGREED that, in the event this matter is not settled by August 31, 2008 (through mediation or otherwise), the case management order be and hereby is modified as follows:

- a. The parties shall make Rule 26(a)(2) disclosures with respect to expert witnesses by September 30, 2008, and with respect to rebuttal expert witnesses by October 31, 2008.
- b. Discovery shall be completed by no later than November 30, 2008.
- c. The joint pretrial order shall be filed by January 31, 2009.

Dated: New York, New York
June 30, 2008

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SO ORDERED:

Lewis A. Kaplan
LEWIS A. KAPLAN, U.S.J.

7/3/08
Date